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PTO/SB/01A (10-00).

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	NON-NOBLE METAL CATALYSTS FOR THE OXYGEN REDUCTION REACTION
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 10/630,634, filed on July 29, 2003,
☐ as amended on _____ (if applicable);

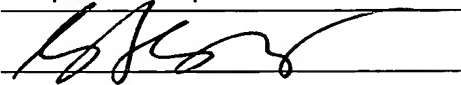
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one:	Stephen A. Campbell	Citizen of:	United Kingdom
Signature:		Date:	9th September 2003
Inventor two:	_____	Citizen of:	_____
Signature:	_____	Date:	_____
Inventor three:	_____	Citizen of:	_____
Signature:	_____	Date:	_____
Inventor four:	_____	Citizen of:	_____
Signature:	_____	Date:	_____

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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EXPRESS MAIL NO. EV336612762US

PTO/SB/81 (10-00)

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**ELECTION AND POWER OF
ATTORNEY OR
AUTHORIZATION OF AGENT**

Application Number	10/630,634
Filing Date	July 29, 2003
First Named Inventor	Stephen A. Campbell
Group Art Unit	
Examiner Name	
Attorney Docket Number	130109.467

I hereby appoint:

☒ Practitioners at Customer Number

Customer Number

00500

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

I am the:

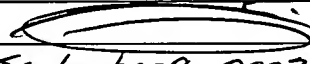
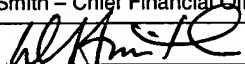
☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ As assignee of record of the entire interest hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor

SIGNATURE of Applicant or Assignee of Record

Name	Noordin S.K. Nanji – Vice-President, Corporate Strategy & Development
Signature	
Date	September 9, 2003
Name	Dave Smith – Chief Financial Officer
Signature	
Date	September 10, 2003

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of forms are submitted.

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PTO/SB/96 (08-00)

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Stephen A. Campbell

Application No./Patent No.: 10/630,634 Filed/Issue Date: July 29, 2003

Entitled: NON-NOBLE METAL CATALYSTS FOR THE OXYGEN REDUCTION REACTION

Ballard Power Systems Inc.

(Name of Assignee)

a

Corporation

(Type of Assignee, e.g., corporation, partnership,
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.
The assignment was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the
current assignee as shown below:

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

September 9, 2003

Date

Noordin S.K. Nanji

Typed or printed name

Signature

Vice-President, Corporate Strategy &
Development

Title

September 10, 2003

Date

Dave Smith

Typed or printed name

Signature

Chief Financial Officer

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. D:\130109.467\406613_1.DOC

COPY**ASSIGNMENT**

WHEREAS, I, Stephen A. Campbell (hereinafter referred to as ASSIGNOR), having a mailing address of 23880 – 119th Avenue, Maple Ridge, British Columbia, Canada V4R 2E6, am the sole inventor of an invention entitled “NON-NOBLE METAL CATALYSTS FOR THE OXYGEN REDUCTION REACTION,” as described and claimed in the specification for which an application for United States letters patent was filed on July 29, 2003, and assigned Application No. 10/630,634. This application claims the benefit of Provisional Application No. 60/400,194, filed on July 31, 2002.

WHEREAS, Ballard Power Systems Inc. (hereinafter referred to as ASSIGNEE), a corporation of Canada having a place of business at 4343 North Fraser Way, Burnaby, British Columbia, Canada V5J 5J9, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, transfer and sale not been made. ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNOR agrees to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters

patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

9th September 2003
Date

[Signature]
Stephen A. Campbell

Province of British Columbia)
Country of Canada)

ss.

I certify that I know or have satisfactory evidence that Stephen A. Campbell is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 9 SEPTEMBER
Signature of Notary Public [Signature]
Printed Name TANYA J ROTHE

My appointment does not expire.

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